

Appl. No. : 10/615,336
Filed : July 8, 2003

REMARKS

Upon entry of the foregoing amendments, Claims 12, 13, 18, 24, 25, 27, 28, 30, 31, and 38-50 remain pending in the above-captioned application. Claims 1-11, 14-17, 19-23, 26, 29 and 32-37 have been cancelled without prejudice to their further prosecution in a continuation application. Claims 24, 25 and 28 have been amended to include features that the Examiner noted would overcome the art of record. New Claims 38-53 have been added.

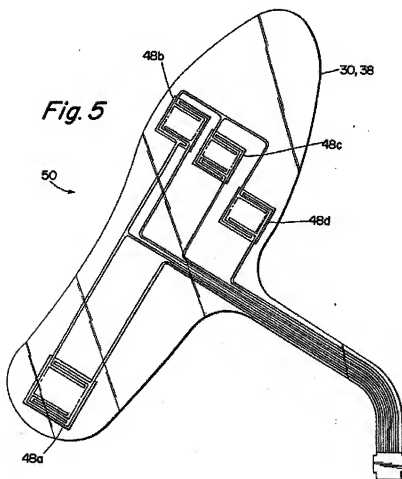
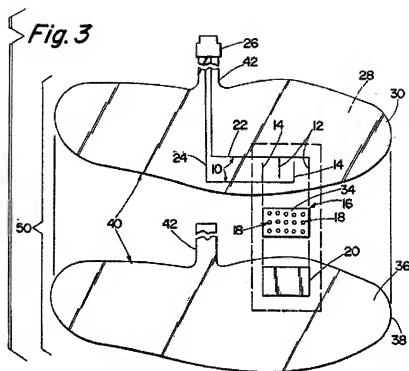
Examiner Interview of February 15, 2007

Applicants thank Examiner Stewart for his time in conducting the interview with Applicants' representatives, Bill Bunker and Josué A. Villalta on February 15, 2007.

Rejection of the Claims Under 35 U.S.C. 102

Claims 18 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 5,408,873 (Schmidt). Applicants have amended Claim 24.

Schmidt discloses electrical contact means (18) disposed between layers of relatively thin, planar, flexible, resilient material. See abstract; figure 3 (reproduced below). The insole (40) has a first layer (30) and a second layer (38), between which electrically conductive interconnecting means (16) is disposed. See Schmidt at col. 3, lines 26-47; figure 2. Several sensing surface areas (48) can be positioned at various locations on the foot force sensor, such as at the heel and at various metatarsal heads. See col. 5 lines 20-30; figure 5 (reproduced below).

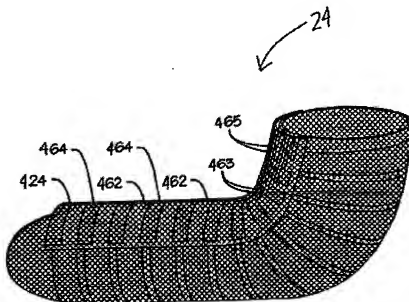


Applicants have amended Claim 24, and as discussed during the interview, respectfully submit that Schmidt does not disclose the features in amended Claim 24. As the Examiner noted during the interview, the amendment to Claim 24 would overcome the references of record. Accordingly, Applicants respectfully submit amended Claim 24 is allowable over Schmidt. Claim 18 depends from amended Claim 24 and therefore is likewise allowable over Schmidt for at least the same reasons as amended Claim 24.

Rejection of the Claims Under 35. U.S.C. 103

Claims 12-14, 25, 28, 30 and 31 stand rejected under 35 U.S.C. 103 as being unpatentable over Schmidt in view of U.S. Pat. No. 6,922,592 (Thompson). Applicants have amended Claims 25 and 28 and canceled Claim 14 without prejudice.

Thompson discloses a sensor sock (24) that communicates wirelessly with an implantable medical device (IMD) (e.g., a pacemaker), not via lead lines connected to sensors. See Thompson at col. 2, line 65 – col. 3, line 2; figure 5 (reproduced below). The sensor sock (24) can be used for force sensing and mapping and has a lamination (424) made of flextron material that extends along a front portion, but not completely around the circumference of the sensor sock (24). See Thompson at col. 5, lines 29-31.



Appl. No. : 10/615,336
Filed : July 8, 2003

Claim 25

Applicants have amended Claim 25 and, as discussed during the interview, respectfully submit that Thompson does not teach or suggest, alone or in combination with Schmidt, the features of amended Claim 25. As the Examiner noted during the interview, the amendment to Claim 25 would overcome the references of record. Accordingly, Applicants respectfully submit that amended Claim 25 is patentable over Schmidt in combination with Thompson. Claims 12, 13 and 27 depend from amended Claim 25 and are therefore likewise patentable over Schmidt in combination with Thompson, not only because they depend from an allowable base claim, but also because each of these claims recites a unique combination of features not taught or suggested in the cited art.

Claim 28

Applicants have amended Claim 28 and, as discussed during the interview, respectfully submit that neither Schmidt nor Thompson teach or suggest the features of amended Claim 28. As the Examiner noted during the interview, the amendment to Claim 28 would overcome the references of record. Accordingly, Applicants respectfully submit that amended Claim 28 is patentable over Schmidt in combination with Thompson. Claims 12, 13, 30 and 31 depend from amended Claim 28 and are therefore likewise patentable over Schmidt in combination with Thompson, not only because they depend from an allowable base claim, but also because each of these claims recites a unique combination of features not taught or suggested by the cited art.

New Claims

Applicants have added new Claims 38-53. Claims 38 and 39 depend from amended Claim 24, and are therefore likewise allowable over the cited art, not only because they depend from an allowable base claim, but also because each of these claims recites a unique combination of features not taught or suggested by the cited art.

Claim 40 depends from amended Claim 28, and is therefore likewise allowable over the cited art, not only because it depends from an allowable base claim, but also because it recites a unique combination of features not taught or suggested by the cited art.

Claims 42-46 depend from new Claim 41, which Applicants respectfully submit is not disclosed, taught or suggested by the cited art. Accordingly, Applicants respectfully submit that

Appl. No. : 10/615,336
Filed : July 8, 2003

new Claim 41 is allowable over the cited art. Claims 42-46 are likewise allowable over the cited art, not only because they depend from an allowable base claim, but also because each of these claims recites a unique combination of features not taught or suggested by the cited art.

Claims 48-53 depend from new Claim 47, which Applicants respectfully submit is not disclosed, taught or suggested by the cited art. Accordingly, Applicants respectfully submit that new Claim 47 is allowable over the cited art. Claims 48-53 are likewise allowable over the cited art, not only because they depend from an allowable base claim, but also because each of these claims recites a unique combination of features not taught or suggested by the cited art.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. Furthermore, any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not be understood to base patentability on that portion or that the limitation discussed is essential or critical; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence, disclaimer or estoppel is intended or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter. Applicants may not have presented in all cases, arguments concerning whether the applied references can be properly combined or modified in view of the deficiencies noted above, and Applicants reserve the right to later contest whether a proper motivation and suggestion exists to combine or modify these references.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Appl. No. : 10/615,336
Filed : July 8, 2003

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 3, 2007

By: 

Josué A. Villalta
Registration No. 54,511
Attorney of Record
Customer No. 20,995
(951) 781-9231

AMEND
3957905_1
070207